

REMARKS

Claims 1-5, 9, and 10 constitute the pending claims in the present application. Applicants respectfully request reconsideration in view of the following remarks. Applicants will first address the issues raised by the Examiner in the previously issued Final Office Action. Applicants will then address the issues raised by the Examiner in the Advisory Action mailed April 2, 2004.

1. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Keating et al. in view of Wydner et al. Applicants traverse this rejection and contend that the rejection is moot in light of the amended claims.

Applicants maintain the arguments of record and contend that the claims are patentable in light of the cited prior art references. Keating et al. and Wydner et al. fail to satisfy the criteria established by case law and detailed in the MPEP necessary to anticipate or render obvious the claimed subject matter. Nevertheless, to expedite prosecution of claims directed to commercially relevant subject matter, Applicants have amended the claims to depend upon the allowable subject matter described by claims 1 and 2. Applicants' amendments are not in acquiescence to the rejection, and Applicants reserve the right to prosecute claims of similar or differing scope. Reconsideration and withdrawal of this rejection is respectfully requested.

2. Claims 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Reitamo et al. in view of Keating et al. and in view of Wydner et al. Applicants traverse this rejection and contend that the rejection is moot in light of the amended claims.

Applicants maintain the arguments of record and contend that the claims are patentable in light of the cited prior art references. The cited references fail to satisfy the criteria necessary to anticipate or render obvious the claimed subject matter. Nevertheless, to expedite prosecution of claims directed to commercially relevant subject matter, Applicants have amended the claims to depend upon the allowable subject matter described by claims 1 and 2. Applicants' amendments are not in acquiescence to the rejection, and Applicants reserve the right to prosecute claims of similar or differing scope. Reconsideration and withdrawal of this rejection is respectfully requested.

3. Applicants note with appreciation that claims 1 and 2 are in condition for allowance.
4. The previously proposed amendments were refused entry for allegedly raising new issues that would require further consideration. Specifically, the Examiner alleges that recitation of “or inhibit proliferation in said cells” in claim 5 raised new issues. Applicants respectfully disagree. Nevertheless, to expedite prosecution of subject matter previously indicated allowable by the Examiner, Applicants have deleted the objected to subject matter from claim 5. Applicants’ amendment is not in acquiescence to the objection. Applicants reserve the right to prosecute claims directed to this embodiment of the invention in a continuation or divisional application.

Applicants respectfully submit that the claims presented herein resolve all outstanding issues and are in condition for allowance. Should the Examiner have any additional concerns, Applicants respectfully request that the Examiner contact the undersigned prior to taking any further action so that we can expeditiously resolve these issues.

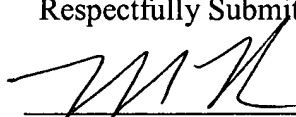
CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Date: August 26, 2004

Customer No: 28120
Docketing Specialist
Ropes & Gray LLP
One International Place
Boston, MA 02110
Phone: 617-951-7000
Fax: 617-951-7050

Respectfully Submitted,



Melissa S. Rones
Reg. No. 54,408